

REMARKS

Claims 13-15 and 17-25 are present in this application. Claim 16 has been canceled. Claims 13, 23, 24, and 25 are independent claims.

§ 101 Rejection

Claim 24 has been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. According to M.P.E.P. § 2106.01(I), a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, which is statutory. Thus, pursuant to M.P.E.P. § 2106.01(I), Applicant has amended claim 24 to recite a program stored on a computer-readable medium that enables the computer program's functionality to be realized in a display apparatus.

Applicant requests that the rejection be reconsidered and withdrawn.

§ 103(a) Rejection – Miura

Claims 13-17 and 19-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 04-188190 (Miura). Claims 13, 23, 24, and 25 have been amended to incorporate the subject matter of claim 16. Applicant respectfully traverses this rejection based on the claims as amended.

The Examiner asserts as a reason for alleging that the present invention would have been obvious over Miura, is that,

“The adjusting of one method to another's distance in the prior art reference are reversed of those in the claimed invention, however, Examiner takes the position that it would have been obvious to [reverse] the adjustment of methods because it does not affect the ultimate result of the system and therefore the reversing of adjusting of methods is an alternative way such adjustment.” (Office Action at page 4, paragraph above “In re claim 14...”).

Applicant requests further explanation of the statement that the adjusting of one method to another's distance in the prior art reference are reversed of those in the claimed invention. In particular, Applicant requests an explanation of what it is that is reversed (e.g., reversed distance, reversed adjusting method, etc. or what is a reversed distance, adjusting method).

Applicant agrees that the methods in Miura and the present invention are different, but do not find that the methods are "reversed" from each other. For example, while Miura seeks to adjust line width for clarity, the present invention seeks to adjust relative distance between strokes to preserve proportion.

Applicant submits that Miura seeks to adjust line width for any character size (referred to as "line width compensation") without affecting a symmetric property between a black area and a white area (section "Purpose of this Invention"). In other words, Miura teaches a method to show distinct lines as character size is changed. The present invention seeks to maintain a relative distance between strokes so that the dimensional proportion of the character does not change when changing the scale of a character (described as maintaining a "balance" of the character; e.g., see specification at page 60, lines 2-7).

With respect to claim 16, the Examiner admits that Miura does not disclose adjusting a distance having a larger quantization error caused by the second method, among distances quantized by the second method. Instead, the Examiner alleges that "fixing errors starting with the largest error is old and known in the art." (Office Action at page 5, lines 1-2). Applicant submits that the Examiner's taking of Official Notice is not based on common knowledge.

According to M.P.E.P. § 2144.03,

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the

examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2).

Thus, pursuant to M.P.E.P. § 2144.03, Applicant requests a reference be provided as a basis for the Examiner's Official Notice.

It is Applicant's position that the Examiner's alleged modification only applies to the context of the present invention, and subsequently is based on knowledge obtained only from applicant's disclosure, which is impermissible hindsight. There is no evidence to support that Miura would require a step of adjusting a distance having a larger quantization error caused by a second method with priority in its method. Rather, as noted above Applicant submits that Miura's method is for preserving line clarity while the disclosed method of the present invention is for preserving proportion.

In particular, an aspect of the present invention is that the order of the distances between strokes as they are adjusted is maintained in the generated character (specification at page 13, lines 11-17; page 53, lines 16-19; and page 55, lines 2-5). An example of a problem of changing distances is shown in present Fig. 19.

The coordinate system A shows a relationship between distances as:

$$ab > bc > cd$$

while the coordinate system B (after quantization) results in a different relationship between distances:

$$a'b' > c'd' > b'c'$$

where the order of bc and cd has inverted.

In the solution provided by the present invention, among the distances quantized by the second method, the CPU 121 extends/shortens the distance which has a larger quantization error caused by the second method. Because the distance with a larger quantization error is extended/shortened with priority, the order of the size of the distances is not inverted before and after the quantization (specification at page 53, lines 14-19; page 55, lines 1-5).

On the other hand, Miura has an objective of improving character display quality taking into consideration the symmetric property (translation of Miura at page 18, lines 14-16). In particular, Miura performs an adjustment as shown for example in Fig. 3.

For example, with respect to Figs. 3-5, Miura teaches that the case when the number of areas having the greatest value is less than adyt (steps 2003, 2004, 2005), the width of the white area increases dot by dot in the descending order of the widths (see Fig. 4, where the area with the largest width is increased first). That is, Miura clearly places a higher priority on the larger distance value. Applicant submits that Miura's teaching of increasing white area in descending order of width is entirely different from placing a high priority on a distance with a larger quantization error. Moreover, Miura teaches in the case when the correction amount adyt is an odd number (the steps 2006, 2007), Miura corrects the width from the central white area (Fig. 5a); and when the correction amount adyt is an even number, Miura corrects the width from the white areas at both ends (Fig. 5b). In any event, despite whether or not the distance is having a larger quantization error, Miura will adjust from both ends for even number, and adjust from the central for odd number. As a result, the order of distances is not the same before and after the adjustment (Figs. 5a and 5b of Miura). Consequently, Miura's method encounters the problem solved by the present invention.

At least because of these differences, Applicant submits that Miura fails to teach or suggest each and every claimed feature, particularly the feature incorporated from claim 16. Applicant requests that the rejection be reconsidered and withdrawn.

§ 103(a) – Miura, Ogawa

Claim 18 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Miura in view of JP 07-036434 (Ogawa). Applicant submits that Ogawa does not make up for the above-

stated deficiencies in Miura. Accordingly, the rejection fails to establish *prima facie* obviousness for claim 18. Applicant requests that the rejection be reconsidered and withdrawn.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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